

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 2, 7, 8, 10, and 11 have been amended to address formality issues. Claims 2, 3, 6-11, 13 and 14 are pending in the application. No new matter has been added.

Objections and Formality Issues

Figure 5 has been amended to replace reference number 35 with reference number 25 as requested by the Examiner.

The specification has been amended to capitalize the word "TECOPHILIC" as suggested by the Examiner.

Claims 1-11 were rejected under 35 U.S.C. §112, 2nd paragraph, as being indefinite. Claim 7 has been amended to delete the phrase "and any combinations thereof" and claim 11 has been amended to delete the term "etc.".

§ 102 Rejections

Claims 2, 3, 6, and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Wilson (US 6,165,195). Applicants respectfully traverse this rejection.

Wilson discloses with reference to Figures 12G-12I the main vessel catheter 50 having an expandable member 54 at a distal end thereof. The balloon 54 is not configured nor intended to function as a sheath structure. That is, the balloon 54 is fixed relative to the catheter 50 such that the balloon and main shaft of the catheter 50 operate as a unitary body (e.g., move together in translation and rotation motion). The balloon 54 disclosed by Wilson is not "rotatable relative to the catheter shaft at a position radially outward from the catheter shaft," as required by claim 2. Therefore, Wilson fails to disclose or suggest every limitation of claim 2 and the claims that depend from it.

§ 103 Rejections

Claims 7-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wilson in view of Dayton (US 5,449,382). Applicants respectfully traverse this rejection. As discussed above, Wilson fails to disclose or suggest every limitation of claim 2. Dayton fails to remedy the deficiencies of Wilson as it relates to claim 2. Therefore, claims 7-10 are allowable for at least the reason they are dependent upon an allowable base claim. Applicants do not otherwise concede the correctness of this rejection.

Double Patenting Rejections

The Office Action contends that claims 2, 3, 6, 13 and 14 of the present application conflict with claims 1-20, 24-25 and 40-46 of Application No. 10/375,689 under 37 C.F.R. 1.78(b). Applicants respectfully traverse this rejection because there is no conflict between at least independent claims 2 and 14 of the present application with any combination of the cited claims of Application No. 10/375,689. As to claim 2 of the present application, this claim is devoid of a balloon feature. Furthermore, claim 2 recites that "a distal end portion of the secondary guide wire housing exiting the flow path of the stent through one of the plurality of cell openings." The '689 application requires a balloon feature and does not require a second guide wire lumen extending through one of the plurality of cell openings. As to claim 13, claim 13 requires an inflation lumen. Claim 13 further requires a secondary guide wire housing defining a secondary guide wire lumen for passage of a secondary guide wire there through, wherein the secondary guide wire housing is separate and distinct from the rotatable sheath. Claim 13 further requires a rotatable collar rotatably disposed about the catheter shaft and engaged with the secondary guide wire housing. The '689 application does not recite an inflation lumen in any combination of the claims. Further, the '689 application fails to disclose a combination of a rotatable collar with a secondary guide wire housing that is separate and distinct from a rotatable sheath. Therefore, Applicants submit that claims 2, 3, 6, 13 and 14 of the present application do not conflict with the claims of the '689 application.

The Office Action further contends that claims 2, 3, 6-11, 13 and 14 of the present application conflict with claims 1-10, 14-31 and 33-42 of pending Application No. 10/747,546 under 37 C.F.R. 1.78(b). Applicants respectfully traverse this rejection. Each of claims 2 and 13

of the present application require a first guide wire lumen and a second guide wire housing that defines a secondary guide wire lumen. No combination of claims from the '546 application recite both first and second guide wire lumens. Further, claim 13 of the present application requires an inflation lumen and a balloon, and does not require that the secondary guide wire housing extend through cells or side opening of the stents. In contrast, the claims of the '546 application do not require an inflation lumen or balloon and do require a portion of the guide wire rather than a guide wire housing extending distally through a cell opening of the stent. Therefore, Applicants submit that claims 2, 3, 6-11, 13 and 14 of the present application do not conflict with claims 1-10, 14-31 and 33-42 of the '546 application.

The Office Action contends that claims 2, 3, 6-11, 13 and 14 of the present application also conflict with claims 1, 8-11, 13, 14, 20, 21, 23-28, 46 and 48-50 of co-pending Application No. 10/863,724 under 37 C.F.R. 1.78(b). Applicants respectfully traverse this rejection. As mentioned above, claims 2 and 13 of the pending application recite both first and second guide wire lumens. No combination of claims of the '724 application require both first and second guide wire lumens. Further, claim 2 of the present application is devoid of a balloon limitation. All combinations of claims of the '724 application require a balloon feature. As to claim 13 of the present application, claim 13 recites an inflation lumen and a rotatable collar. No combination of claims of the '724 application recite an inflation lumen and a rotatable collar. Therefore, Applicants submit that claims 2, 3, 6-11, 13 and 14 of the present application do not conflict with claims 1, 8-11, 13, 14, 20, 21, 23-28, 46 and 48-50 of the '724 application.

The Office Action goes on to contend that claims 2, 3, 6-11, 13 and 14 of the present application conflict with claims 1-46 of co-pending Application No. 10/757,646 under 37 C.F.R. 1.78(b). Applicants respectfully traverse this rejection. As noted above, claims 2 and 13 of the present application require both first and second guide wire lumens. No combination of claims of the '646 application recite first and second guide wire lumens. Further, claim 2 of the present application does not require a balloon and does require that a secondary guide wire housing extend through cells of the stent. In contrast, no combination of claims of the '646 application are devoid of a balloon, or require that a secondary guide wire housing lumen or guide wire extends through cells or side opening of a stent. As to claim 13 of the present application, claim 13 further requires an inflation lumen and a rotatable collar. No combination of claims of '646

application recite an inflation lumen as well as a rotatable collar. Therefore, Applicants submit that claims 2, 3, 6-11, 13 and 14 of the present application do not conflict with claims 1-46 of the '646 application.

In view of the above, Applicants request withdrawal of the above-discussed four double patenting rejections.


Claims 2, 3, 6-11, 13 and 14 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-10, 14-31 and 33-42 of co-pending Application No. 10/747,546. Applicants respectfully traverse this rejection for at least those reasons discussed above as to why there is no statutory double patenting rejection between the pending claims of the present application and the '546 application. However, in an effort to expedite allowance of the present application, Applicants include herewith a terminal disclaimer that addresses the '546 application. Applicants request withdrawal of the provisional obviousness-type double patenting rejection in view of the attached terminal disclaimer. Applicants do not otherwise concede the correctness of this rejection.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any further issues related to this matter, please contact Applicant's attorney listed below at (612) 371-5387.

Respectfully submitted,

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